

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANVIRGIL James Ross

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

FILED - GR
January 12, 2023 11:48 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: KB SCANNED BY: JW / 1-12

1:23-cv-49
Phillip J. Green
U.S. Magistrate Judge

v.

The County of Calhoun Inc. Forem~~Steven Hinkley, Calhoun County Sheriff~~~~David Tendziegloski, Calhoun County Chief Deputy~~

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT
(Print Clearly)**I. Previous Lawsuits**

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

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2. Is the action still pending? Yes ☐ No ☒

a. If your answer was no, state precisely how the action was resolved: Ø

Ø

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? Ø

Ø

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

a. If so, explain: Ø

Ø

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff VIRGIL JAMES ROSS
 Place of Present Confinement Calhoun County Correctional Center
 Address 185 E. Michigan Ave, Battle Creek, Mich. 49014
 Place of Confinement During Events Described in Complaint E-Pod cell #2;

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 The County of Calhoun Inc. Farm
 Position or Title _____

Place of Employment _____
 Address 315 W. Green St. Marshall, Mich. 49068
 Official and/or personal capacity? OFFICIAL

Name of Defendant #2 [REDACTED] David Tendziegloski - Chief Deputy
 Position or Title Chief Deputy of Calhoun County Correctional Center
 Place of Employment Calhoun County Correctional Center
 Address 185 E. Michigan Ave. Battle Creek, Mich. 49014
 Official and/or personal capacity? OFFICIAL

Name of Defendant #3 [REDACTED] Steven Hinkley - Sheriff
 Position or Title Sheriff of Calhoun County Correctional Center
 Place of Employment Calhoun County Correctional Center
 Address 185 E. Michigan Ave. Battle Creek, Mich. 49014
 Official and/or personal capacity? OFFICIAL

Name of Defendant #4 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

Name of Defendant #5 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

Now Comes Plaintiff VIRGIL James Ross acting in his own Proper Self, as is his protected and guaranteed Right under Michigan Constitution. "Pro-se litigants are to be held to a less strigent standard duly moves this Honorable Court seeking Remedy and Relief from the said Defendants. Calhoun County; Calhoun County Correctional Center Chief Deputy David Tendziegloski and Calhoun County Correctional Center Sheriff Steven Hinkley.

(1.) This Incident of Discrimination did fully occur since 11-15-21 and is an Constant Ongoing Incident in which Plaintiff is daily being treated differently than Non-American (ICE) Detainees while being confined in the Calhoun County Correctional Center. The Calhoun County Correctional Center as a Governing Facility by the Calhoun County Sheriffs Department being a part of the legislative BRANCH of the Calhoun County Government and its Authority is derived from The County of Calhoun. The Calhoun County Sheriffs Department is a part of the legislative BRANCH of the Calhoun County Government and its Authority is derived from The County of Calhoun.

(2.) Plaintiff is being Discriminated against as a result of his United States of America ORIGIN by The County of Calhoun; Calhoun County Correctional Center Chief Deputy and Sheriff. ON 12-29-21; 7-11-22; and 9-10-22 Plaintiff placed several Corresponding kites on the (Lems) The Edge Exchange Kite system Requesting to be able to Research case laws. Plaintiff was told to Refer to the Calhoun County Correctional Center Handbook (see exhibit A) [PAGE 11 Highlighted]. [12-29-21 (Lems) reference # 13288102] and [9-10-22 (Lems) reference # 14877982 The Edge Exchange] See Exhibit B. Non-American (ICE) Detainees are allowed to Research case law 14 hrs per day.

III. Statement of Claim

PAGE 2 of 7

- (3.) Constitutional Injury against the Rights of Plaintiff Virgil James Ross that were established and are protected by the Michigan Constitution, The United States ~~OF~~ America Constitution as well as Plaintiff protected right in the Calhoun County Correctional Center Handbook section Inmate Right 6 page ~~B~~ (see exhibit A).
- (4.) This Incident is an Ongoing Incident that began in November 15, 2021 while plaintiff was facing Criminal charges and desperately needed to research case law. During this time the Calhoun County Correctional Center Sheriff Department refused to allow Plaintiff the same rights and liberties in denying a American citizen to research case law while allowing Non-American (ICE) Detainees the right too (see Exhibit A)
- (5.) The Calhoun County Correctional Center Sheriff did knowingly and intentionally deny Plaintiff whom is a born American citizen the same legal assistance, library, privilege to research case law as Non-American (ICE) Detainees in doing so clearly is treating an American citizen differently - these daily practices are discriminatory and violates the Calhoun County Correctional Center Handbook in which is authorized by Chief Deputy David Tondziejowski, Captain Tracey, Chambers and Sheriff Steven Hinkley (see Handbook Authorization) [exhibit A review date 7-11-22]. The Above named Defendants authorized the Calhoun County Correctional Center Handbook which clearly shows Plaintiff established rights are protected by law and cannot be taken away as well as right to freedom from Discrimination (see exhibit A pg 3).

- (6.) This Incident did fully occur and is an constant ongoing Incident in which Plaintiff Virgil James Ross is being discriminated against as a result of being United States of America Origin by The County of Calhoun and its Authority, by Chief Deputy David Tendziegloski and Sheriff Steven Hinkley of the Calhoun County Correctional Center. These Defendants allow their Deputies to Act in opposition of the Rights of an American Citizen, as well as Act Contrary to the Michigan Constitution and the United States of America Constitution constantly denying Plaintiff the same Liberties and privileges as Non-American (ICE) Detainees. The Defendants The County of Calhoun, Chief Deputy David Tendziegloski and Sheriff Steven Hinkley are well aware of this discriminatory action of offering Non-American (ICE) Detainees privileges to Research case law due to being compensated daily for housing Non-American (ICE) detainees, AS well as afford them 14hrs A day to Research.
- (7.) Deprivation of the Rights of Plaintiff Virgil James Ross While under color of Law and The Defendants operate under Correctional Facility policies and procedures As well As Govern by Federal Standards, The Defendants wilfully Choose to disregard their own Handbook and choose to treat Plaintiff differently, knowingly and Intentionally engage in Discriminatory Acts daily while denying Plaintiff Virgil James Ross Fundamental Constitutional Rights of basic Fairness.

IN Closing:

Abuse of Plaintiff VIRGIL James Ross Rights has inflicted Mental, Emotional, and Psychological Degradation as well as Suffering caused by Defendants daily Discriminatory Actions.

Without the ability to be treated fairly and the same as Non-American (ICE) Detainees Plaintiff was unable to Research Case laws in regards to his Criminal Charges nor able to help in the defense of said criminal charges.

The Calhoun County Correctional Center Sheriff intentionally engaged in acts that violated Plaintiff guaranteed and protected Rights against any form of Discrimination, as well as freedom of any form of Discrimination.

Respectfully Submitted,

Jan. 9th, 2023

Virgil James Ross

I declare under the Penalties of Perjury that this has been written and prepared also examined by me and its contents are true to the best of my knowledge, Information and belief

IV. Relief

State briefly and precisely what you want the court to do for you.

With the Plaintiff pleadings and facts taken into consideration now moves this Honorable Court to grant Plaintiff Virgil James Ross all Remedy and Relief sought and award \$135,500.⁰⁰ plus \$300.⁰⁰ a day, From each Defendant named. Plaintiff also seeks an Injunction for relief from the UnConstitutional Acts being carried out by defendants against an Born American Citizen being held in the Calhoun County Correctional Center

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

- ☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.
- ☐ I request that this case be assigned to a district judge.

1-9-23
Date

Virgil James Ross
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.



of the United States District
District Court
Federal Building
MICHIGAN ST. NW
Rapid, Mich. 49503

VIRGIL JAMES ROSS

Calhoun Correctional Center

185 E. MICHIGAN AVE.

BATTLE CREEK, MICH.

49014

Clerk

U.S.

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